

REMARKS

By this paper, the drawings and specification have been amended to further define an expandable frame. The amended drawings now include reference numeral 79 which refers to an expandable frame and the specification also now identifies the expandable frame.

In the outstanding final Office action dated March 29, 2005, claims 9-13, 15, 29-46, 48, 49, 56, 61, 62, 70, 72-79 and 87-93 were again rejected under 35 U.S.C. § 112, second paragraph as being indefinite and claim 9 was specifically identified as being confusing in view of the recitation therein of an expandable frame being longitudinally separated from a graft.

Independent claim 72 was also characterized as being indefinite for the same reason. Despite the repeated efforts of the Applicants to explain that claims 9 and 72 recite an "expandable frame" and not an entirety of the structure of stent 40, prosecution has not been advanced as the Examiner has continued to maintain the position that the recitation of the "expandable frame" includes elongated struts and eyelets and could not be separated from the recited graft.

Accordingly, the Applicants have now amended the drawings and specification to reflect the subject matter recited in original claims 9 and 72. No new matter has been added to the specification as original claims recited an "expandable frame." It is believed that it should now be clear that the recited "expandable frame" can indeed be separated from the recited graft as set forth in claims 9 and 72.

In the outstanding Office action, the Examiner also indicated a lack of understanding of the recitation in claims 9 and 72 of the phrase "wherein the opening of the graft component lacks other structure supporting a totality of the opening circumference." In explaining the confusion, the Examiner offered that "Even if the opening is meant to be the graft material surrounding and defining the opening, then this 'opening' in fact includes structure which forms the remainder of the opening circumference. Further, it is not seen what structure could support an opening

circumference." The Applicants were encouraged that the Examiner recognized that the "opening" could mean the "graft material surrounding and defining the opening" as this is exactly the structure to which the subject "wherein" phrase is intended to refer. With this understanding, it is believed that there could also be a recognition that a stent could support graft material surrounding and defining the opening. In fact, such structure is shown in figure 3B of U.S. 6,280,466 to Kugler et al. upon which the Examiner has repeatedly relied to reject the claims under § 102(e). Therefore, it is respectfully submitted that claims 9 and 72 are clear in that they require the recited grafts to lack a stent or other structure supporting a "totality of the opening circumference." As such, it is believed that claim 9 and 72 satisfy the requirements of § 112.

In the outstanding Office action, claim 62 was also again found to be improper under § 112, second paragraph as it was not understood by the Examiner where the end points are larger than a strut thickness are found in the elected species. The Applicants previously referred the Examiner's attention to the elected subject matter depicted in FIG. 1P which clearly depicts end points which are larger than depicted strut thicknesses. In rejecting claim 9 under § 112, the Examiner identified "elongated struts" and a "distal end of the elongated struts." Thus, it is believed that there is an understanding of the recitation of the term "strut" in claim 62. Notably, claim 62 is merely requiring that the recited "endpoints" be thicker than the "struts" as shown in FIG. 1P. Perhaps this is easier to see now that the expandable frame is called out in the specification. Thus, it is believed that claim 62 also satisfies the requirements of § 112.

In the November 2004 Office action, claims 9-13, 15, 29-33, 35-40, 42, 56, 61, 62, 70, 72, 88-90, 92 and 93 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kugler et al. (6,280,466). Additionally, claims 34, 43-46, 48, 49 and 73-79 were rejected under § 103(a) as being unpatentable over

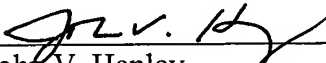
Kugler et al. and claims 41, 87 and 91 were rejected under § 103(a) as being unpatentable over Kugler in view of Dehdastian et al. (6,368,345). Again, it is respectfully submitted that the Kugler et al. patent does not teach a graft or an endovascular graft including a graft component with an opening having an opening circumference, wherein the opening of the graft component lacks other structure supporting a totality of the opening circumference as is recited in each of the examined claims. On the contrary, it is again submitted that the Kugler patent discloses a graft having an opening that is completely supported about its circumference. Therefore, it is respectfully submitted that each of the pending claims now define patentable subject matter.

CONCLUSION

Applicant has attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGS. 3C, 3D and 3E by adding reference numeral 79 as depicting an expandable frame.